

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PORTAL TECHNOLOGIES LLC,

PLAINTIFF,

vs.

YAHOO! INC.,

DEFENDANT.

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CIVIL ACTION NO. 2:11-cv-00440-DF

JURY TRIAL

**DEFENDANT YAHOO! INC.'S UNOPPOSED MOTION TO WITHDRAW
MOTION TO DISMISS FOR LACK OF VENUE**

Defendant Yahoo! Inc (“Yahoo!”) files this Unopposed Motion to Withdraw its Motion to Dismiss for Lack of Venue or, Alternatively, to Certify Under 28 U.S.C. § 1292(b) (Dkt. No. 7)¹ and would respectfully show the Court the following:

The President recently signed the Federal Courts Jurisdiction and Venue Clarification Act of 2011, H.R. 394, 112th Cong.² That Act amends Section 1391(c) so that the meaning of residency as defined in that statute applies “[f]or all venue purposes.” Although Section 205 of the Act states that the venue provisions are non-retroactive and therefore have no direct bearing on this case, Yahoo! has nonetheless decided to withdraw its Motion to Dismiss in light of the change of law and to lessen the burden on the Court. Yahoo! respectfully requests that it be

¹ Yahoo!’s Motion to Dismiss also sought, as alternative relief, to transfer this case to the Northern District of California. Yahoo! does **not** seek to withdraw its Motion to Transfer, which is docketed separately at Dkt. No. 8.

²The full text of the new law is available at <http://www.gpo.gov/fdsys/pkg/BILLS-112hr394enr/pdf/BILLS-112hr394enr.pdf>.

permitted to withdraw its Motion to Dismiss for Lack of Venue or, Alternatively, to Certify Under 28 U.S.C. § 1292(b). Plaintiff does not oppose the requested relief.

For all these reasons, Yahoo! respectfully requests that the Court enter an Order withdrawing Defendant Yahoo! Inc.'s Motion to Dismiss for Lack of Venue or, Alternatively, to Certify Under 28 U.S.C. § 1292(b).

Respectfully submitted,

/s/ Kristie A. Wright

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). All other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by certified mail, return receipt requested, on this the 27th day of January, 2012.

/s/ Kristie A. Wright
Kristie A. Wright